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FACSIMILE TRANSMISSION

Total # of Pages 50 (including this page)

TO:	PHONE #:	FAX #:
Mail Stop: Appeal Brief- Patent Commissioner for Patents United States Patent & Trademark Office		(571) 273-8300

From : Sanjeev K. Dhand
 Email Address : sdhand@foley.com
 Sender's Direct Dial : 858.847.6860
 Date : March 23, 2007
 Client/Matter No : 048772-0401
 User ID No :

MESSAGE:

Re: United States Patent Application Number 09/764,787

Attached Please Find:

- 1) Brief on Appeal Transmittal in 3 pages
- 2) Brief on Appeal in 46 pages

If there are any problems with this transmission or if you have not
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Cover Page 1 of 1

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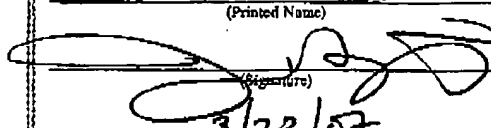
PAGE 1/50 * RCVD AT 3/23/2007 8:14:35 PM [Eastern Daylight Time] * SVR:USPTO-EFAXRF-5/21 * DNIS:2738300 * CSID: * DURATION (mm-ss):13-12

MAR 23 2007

Atty. Dkt. No. 048772-0401

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SCHWARTZ et al.
Title: METHOD AND SYSTEM FOR
AN EFFICIENT FUNDRAISING
CAMPAIGN OVER A WIDE
AREA NETWORK
Appl. No.: 09/764787
Filing Date: 1/17/2001
Examiner: Nguyen, Tan D.
Art Unit: 3629
Confirmation 7187
Number:

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Shirlene P. Britt (Printed Name)  (Signature) 3/22/07 (Date of Deposit)

BRIEF ON APPEAL TRANSMITTAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ [X] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous
assertion of Small Entity status.
- ☐ [] Assertion of Small Entity status is enclosed.
- ☐ [] The fee required for additional claims is calculated below:
- ☐ [] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the
total number of months checked below:

MAR 23 2007

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<input type="checkbox"/>	Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:			\$0.00
<input type="checkbox"/>	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:			
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
Extension Fees Previously Paid:			\$0.00
TOTAL FEE:			\$0.00

No fees are believed to be due at this time.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

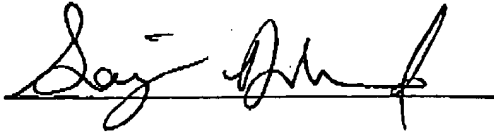
Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Atty. Dkt. No. 048772-0401

Respectfully submitted,

Date March 23, 2007

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By 

Sanjeev K. Dhand
Attorney for Applicant
Registration No. 51,182

MAR 23 2007

Atty. Dkt. No. 048772-0401
(formerly K01-001)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: SCHWARTZ et al.

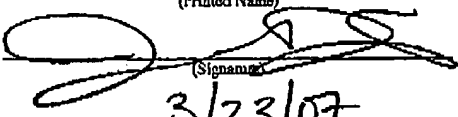
Title: METHOD AND SYSTEM FOR
AN EFFICIENT FUNDRAISING
CAMPAIGN OVER A WIDE
AREA NETWORK

Appf. No.: 09/764,787

Filing Date: January 17, 2001

Examiner: T. D. Nguyen

Art Unit: 3629

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Julienne P. Bntt (Printed Name)  (Signature) 3/23/07 (Date of Deposit)
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BRIEF ON APPEALMail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Under the provisions of 37 C.F.R. § 41.37, this Appeal Brief is being filed together with a credit card payment form in the amount of \$725.00 covering the 37 C.F.R. 41.20(b)(2) appeal fee and the fee for an extension of time under 37 C.F.R. §1.136(a) for the total number of two months. If this fee is deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 50-0872.

03/26/2007 LWONDIM1 00000044 500872 09764787

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REAL PARTY IN INTEREST

The real party in interest in this Appeal is Kintera, Inc., of San Diego, California, USA ("Kintera"). This interest is evidenced by an assignment from the inventors to Kintera,

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02 FC:2252 225.00 DA

PAGE 5/50 * RCVD AT 3/23/2007 8:14:35 PM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-5/21 * DNIS:2738300 * CSID: * DURATION (mm:ss):13-12

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which is recorded at Reel 011702, Frame 0310, in the assignment records of the United States Patent and Trademark Office and was officially recorded on March 26, 2001.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect, be directly affected by, or have a bearing on the present appeal, that are known to Appellant or Appellant's patent representative.

STATUS OF CLAIMS

Claims 58-72, 75-94 and 97-107 were pending in the application when a non-final Office Action dated July 6, 2006, was issued. In the July 6, 2006, non-final Office Action, each of claims 58-72, 75-94 and 97-107 were rejected, of which claims 58-72, 75, 77-94, 97-102, 106 and 107 were rejected for the second time. The Examiner's rejection of claims 58-72, 75, 77-94, 97-102, 106 and 107 is being appealed.

Claims 58-72, 75, 77-94, 97-102, 106 and 107 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0049816 to Costin, IV et al. (hereinafter "Costin") in view of the McBrearty article of December 1986 (hereinafter "McBrearty"), the Smith article (hereinafter "Smith") and BT article (hereinafter "the BT article") or Leukaemia Busters article (hereinafter "the Leukaemia article").

The Office Action further alleged the introduction of new matter in independent claim 58 in reciting "updating, according to instructions from the donor, one or more virtual plaques displayed on one or more web pages"

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Claims 58-72, 75-94 and 97-107 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-114 of co-pending Application No. 09/740,761.

STATUS OF AMENDMENTS

No claims have been amended in the present application subsequent to the receipt of the non-final Office Action dated July 6, 2006.

SUMMARY OF CLAIMED SUBJECT MATTER

The present application incorporates by reference U.S. Patent Application Serial No. 09/740,761 (hereinafter "the '761 Application"). See page 1, lines 18-21; and page 16, lines 16-18.

In one embodiment, as recited in independent claim 58, the present invention relates to methods for conducting a fundraising campaign by an organization over a wide-area network, comprising hosting a website (page 5, lines 17-20). For example, the website provides information about the fundraising campaign and solicits potential donors to make a charitable contribution to the fundraising campaign (page 5, lines 20-21; Figures 3-4). The methods further comprise providing a link to a personal donation page in one or more email messages to third parties (page 17, lines 16-17). The personal donation page comprises a name and personal campaign goal of a solicitor registered on the website ('761 Application, Fig. 9). The methods further comprise receiving a charitable contribution via a personal donation page from a donor ('761 Application, Fig. 10). The methods also comprise updating one or more virtual plaques to recognize new donors ('761 Application, page 14, lines 5-6). The methods further comprise

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forming teams on the website to participate in the fundraising campaign by soliciting donations by emails (page 14, lines 20-22). The teams may compete with each other to raise money (page 15, line 16 – page 16, line 18). Team ranks may be displayed on the virtual plaques (page 16, lines 8-18).

In another embodiment, as recited in independent claim 82, the present invention relates to a system for conducting a fundraising campaign by an organization or person over a wide-area network (page 16, lines 13-14). The system comprises a website including a plurality of linked web pages (page 6, lines 14-15). The website provides information about the fundraising campaign and solicits potential donors to make a charitable contribution to the fundraising campaign (Figs. 3-4; page 5, lines 20-21; page 6, lines 15-16). The system further comprises means for registering on the website and means for contacting third parties via email messages soliciting charitable donations (page 6, lines 16-18). An email message may include a link to a personal donation page having the name and personal campaign goal of a solicitor registered on the website (page 17, lines 16-17; '761 Application, Fig. 9). The system further comprises means for receiving a charitable contribution via the personal donation page from a donor ('761 Application, Fig. 10) and means for updating, pursuant to instructions from the donor, one or more virtual plaques displayed on one or more web pages to recognize new donors ('761 Application, page 14, lines 5-6). Means for forming teams, on the website, to participate in the fundraising campaign by soliciting donations by emails are also provided (page 14, lines 20-22). The teams may compete with each other to raise money (page 15, line 16 – page 16, line

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18). The system also comprises means for displaying team ranks on the one or more virtual plaques (page 16, lines 8-18).

In still another embodiment, as recited in independent claim 102, the present invention relates to a computer-readable medium containing code for instructing a computer to carry out a method for conducting a fundraising campaign by an organization over a wide-area network (page 19, lines 16-21; page 6, lines 13-14). In the method, a website is hosted and includes a plurality of linked web pages (page 5, lines 17-20). The website provides information about the fundraising campaign and solicits potential donors to make a charitable contribution to the fundraising campaign (page 5, lines 20-21; Figs. 3-4). A link to a personal donation page may be provided in one or more email messages to third parties (page 17, lines 16-17). The personal donation page comprises a name and personal campaign goal of a solicitor registered on the website ('761 Application, Fig. 9). A charitable contribution may be received via the personal donation page from a donor ('761 Application, Fig. 10). One or more virtual plaques displayed on one or more web pages to recognize new donors can be updated according to instructions from the donor ('761 Application, page 14, lines 5-6). Teams may be formed on the website to participate in the fundraising campaign by soliciting donations by emails (p. 14, lines 20-22). The teams can compete with each other to raise money (page 15, line 16 – page 16, line 18). Team ranks can be displayed on the virtual plaques (page 16, lines 8-18).

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GROUND OF REJECTION TO BE REVIEWED ON APPEAL

I. Rejections under 35 U.S.C. § 103

The first ground of rejection to be reviewed on appeal is the Examiner's rejection of claims 58-72, 75-94, 97-102, 106 and 107 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication 2002/0049816 to Costin, IV et al. (hereinafter "Costin") in view of the McBrearty article of December 1986 (hereinafter "McBrearty"), the Smith article (hereinafter "Smith") and BT article (hereinafter "the BT article") or Leukaemia Busters article (hereinafter "the Leukaemia article").

II. Rejections for alleged new matter

The second ground of rejection to be reviewed on appeal is the Examiner's rejection of claim 58 as allegedly introducing new matter in reciting "updating, according to instructions from the donor, one or more virtual plaques displayed on one or more web pages"

III. Double Patenting Rejection

The third ground of rejection to be reviewed on appeal is the Examiner's provisional rejection of claims 58-72, 75-94 and 97-107 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-114 of co-pending Application No. 09/740,761.

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ARGUMENT

I. The Office Action fails to Establish a *Prima Facie* Case of Obviousness

In the Office Action dated July 6, 2006, claims 58-72, 75-94, 97-102, 106 and 107 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0049816 to Costin, IV et al. (hereinafter "Costin") in view of the McBrearty article of December 1986 (hereinafter "McBrearty"), the Smith article (hereinafter "Smith") and BT article (hereinafter "the BT article") or Leukaemia Busters article (hereinafter "the Leukaemia article").

The Examiner has not made an adequate showing that claims 58-72, 75-94, 97-102, 106 and 107 are rendered obvious by Costin in view of McBrearty, Smith and the BT article or the Leukaemia article. More particularly, the Examiner has failed to cite any reference or any combination of references that teach at least "receiving a charitable contribution ... via the personal donation page."

In *In re Rijckaert*, 9 F.3d 1531, 1532, (Fed. Cir. 1993), the Federal Circuit outlined the burden on the PTO as follows:

In rejecting claims under 35 U.S.C. 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *Id.* "A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 782, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189 U.S.P.Q. 143, 147 (CCPA 1976)). If the examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re*

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Fine, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reasonable suggestion or motivation to modify the prior art reference or to combine reference teachings. Second, there must be a reasonable expectation of success of achieving the desired goals. Finally, the prior art references when combined must teach all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

As described below, in this instance, the test is not met.

A. Application Background

The present application was filed on January 17, 2001, with claims 1-54. A first non-final Office Action issued on April 24, 2003, rejecting all of the pending claims based primarily on the disclosure of Costin. In conjunction with an Examiner interview, Applicant filed an amendment on August 13, 2003. After two additional Office Actions, corresponding responses by the Applicant and another Examiner interview, a Notice of Allowance was issued allowing amended claims 3-16, 19-27, 30-41, 44-50 and 55-57 as patentable over all references, including Costin.

Following the payment of the issue fee but prior to issuance of a patent, Applicant became aware of U.S. Patent Application Publication No. 2002/0069108 to Aubertin et al. and elected to withdraw the application from issuance. Accordingly, Applicant filed a Request for Continued Examination on April 8, 2005.

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Pursuant to a telephone conversation with the Examiner on April 20, 2005, Applicant's representative filed a preliminary amendment on April 28, 2005. Pursuant to a request by the Examiner, the allowed claims were canceled and renumbered as new claims 58-102 with several alterations to independent claims 58, 82 and 102 to clarify certain terms in the claims without affecting the scope of the claims. Nevertheless, the Examiner issued a non-final Office Action on November 3, 2005, rejecting all of the claims, once again relying primarily on Costin. Following a reply filed by Applicant on December 16, 2005, the claims were again rejected in a Final Office Action dated March 24, 2006.

During an Examiner interview on April 11, 2006, the Examiner acknowledged that: "Costin et al. does not appear to teach the step of making a donation from the donor using the personal web page" See Interview Summary dated April 11, 2006 attached as Exhibit A in Evidence Appendix. Pursuant to this acknowledgment by the Examiner, on April 19, 2006, Applicant filed a reply to the final Office Action of March 24, 2006, noting the Examiner's acknowledgment. Additionally, at this time, Applicant submitted evidence of secondary considerations to establish non-obviousness. The Examiner has now issued another non-final Office Action dated July 6, 2006, rejecting the claims, citing McBrearty as disclosing this feature.

B. McBrearty neither teaches nor suggests "receiving a charitable contribution ... via the personal donation page"

As acknowledged by the Examiner, Costin fails to teach or suggest "receiving a charitable contribution ... via the personal donation page." Further, McBrearty fails to cure the deficiencies of Costin. McBrearty relates to fundraising through telemarketing and never

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mentions "receiving a charitable contribution ... via [a] personal donation page." McBrearty lacks any teaching or suggestion of "a personal donation page" to receive charitable contributions, as recited in all of the independent claims of the present application.

Further, McBrearty, reflecting an apparent 1986 date, does not relate to interactive fundraising over a network and never contemplates use of the Internet. Thus, McBrearty neither contemplates nor discloses web-based fundraising and the use of specific web pages, such as a personal donation page, to receive contributions. Thus, McBrearty also fails to teach or suggest this limitation of independent claims 58, 82 and 102.

Moreover, the Examiner has failed to identify any suggestion or motivation to combine Costin with McBrearty or any other references.

Thus, the Office Action dated July 6, 2006, fails to establish a *prima facie* case of obviousness since none of the references, either alone or in combination, teach or suggest one or more limitations of the pending independent claims.

C. Even if a Prima Facie Case of Obviousness Has Been Established, the Examiner Must Consider Applicant's Submission of Evidence of Secondary Considerations of Nonobviousness

Applicants have submitted evidence of secondary considerations of nonobviousness in accordance with M.P.E.P. §§ 716.01 and 716.03. The evidence is submitted herewith in the Evidence Appendix.

The present invention relates to systems and methods for on-line, interactive fundraising. Certain embodiments of the invention allow for solicitors to register and facilitate fundraising by directing potential donors, such as friends or family members, to a personal

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donation page. In one embodiment, email messages are sent to potential donors with a link to the solicitor's personal donation page. The personal donation page may encourage the potential donors to make a charitable contribution to the fundraising campaign. In certain embodiments, this is achieved by providing the name of the solicitor along with the solicitor's personal campaign goal. In this manner, potential donors are encouraged to donate and help the solicitor reach his or her personal campaign goal. The potential donors may then be directed to a personal donation page to make a charitable contribution.

Thus, an email from the solicitor, for example, may include a link to the solicitor's personal donation page. The potential donor may follow the link to the personal donation page, from which the potential donor may make a charitable contribution. This is most clearly illustrated in Figure 9 of U.S. Patent Application Serial No. 09/740,761 (hereinafter "the '761 Application"), which is incorporated by reference into the present application. This feature provides a substantial advantage: being solicited for a donation on the personal donation page of the solicitor (who is likely a friend or family member), the potential donor is more likely to make a charitable contribution. Accordingly, independent claims 58, 82, and 102 each recite "receiving a charitable contribution ... via the personal donation page."

As set forth in *Graham v. John Deere*, 383 U.S. 1 (1966), one of the factual inquiries to be considered in determining obviousness is evidence of secondary considerations, such as commercial success, unexpected results, long-felt need, failure of others, copying by others, licensing, and skepticism of experts. M.P.E.P. § 2141. Evidence of secondary

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considerations must be considered by the Examiner in determining the issue of obviousness.

M.P.E.P. § 716.01(a).

1. onphilanthropy.com Article

In support of the nonobviousness of the claimed invention, Applicants have previously submitted and re-submit herewith, as Exhibit B in Evidence Appendix, an article from onphilanthropy.com describing the Salvation Army's acclaim for and the success and unexpected results achieved with assignee Kintera's "Friends Asking Friends" innovation, an embodiment of the pending claims:

"In September of 2002, Kintera presented their online technology, including the 'Friends Asking Friends' innovation to Salvation Army staff, who immediately recognized its potential The idea behind Ring2Help is that it allows a donor to become a 'Virtual Bell Ringer.' It is this person's task to ask his or her friends and family members for a donation [T]he real success of the program was uncovered after studying the numbers. Specifically, 69% of the individual that contributed to the program were new donors to The Army. A quick look at these new donors shows that the program attracted an entirely new demographic to the organization."

Thus, the article clearly establishes that this "innovation" was a "real success" that "was uncovered after studying the numbers," and "emphasize[s] that the fundraisers who sent out multiple emails to their friends and family had the most success." Moreover, these fundraisers became "Virtual Bell Ringers" through use of the Ring2Help embodiment of the present invention. This article is directly referring to the "Friends Asking Friends" innovation, which embodies the emails to friends and family with links to the solicitors' personal donation page. Thus, the acclaim and success of this embodiment is due to the claimed limitations. This

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evidence from an independent third party confirms the nonobviousness of the presently claimed invention.

The Examiner has argued that this submission is insufficient to overcome the 103 rejections "because this program is similar or taught or appears to be similar to" Costin. However, as previously acknowledged by the Examiner, Costin fails to teach or suggest "receiving a charitable contribution ... via the personal donation page." The "Friends Asking Friends" system implemented by the Salvation Army Staff, as an embodiment of the pending claims, included this feature.

2. San Diego Metropolitan Article

In further support of the nonobviousness of the claimed invention, Applicants submit herewith, as Exhibit C in Evidence Appendix, an article from the San Diego Metropolitan, dated May 8, 2002, describing the American Heart Association's selection of one embodiment of the claimed invention -- assignee Kintera's "Friends Asking Friends" innovation:

"We chose Kintera not only because they excel at bringing the fundraising aspect of events online, but also because our organization can conduct event management via the web Kintera's 'Friends Asking Friends' technology allows participants to create personalized Web pages, which will enhance the experience of Web site users and make it easier for our participants to raise funds." (See page 5 of Exhibit C in Evidence Appendix)

Thus, this article establishes a clear nexus between the invention as claimed (e.g., "personalized Web pages") and the commercial success of an embodiment of this innovation (e.g., selection of "Friends Asking Friends" by a customer). The American Heart Association's comments clearly demonstrate that the technical advantages of the claimed invention (as

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embodied in the "Friends Asking Friends" technology) led to its decision to purchase assignee Kintera's products and services.

3. Customer Testimonials

In further support of the nonobviousness, Applicants submit herewith, as Exhibit D in Evidence Appendix, testimonials from customers of assignee Kintera. The testimonials demonstrate the acclaim that assignee Kintera's "Friends Asking Friends" innovation has received. For example, a representative of "AIDS Walk", Justin Leach, noted:

"Kintera's user-friendly format allows our individual fundraisers to harness the power of online fundraising through personal webpages and other services, enabling them to more efficiently and effectively recruit their friends and family in the fight against HIV/AIDS ." (See pages 4 and 5 of Exhibit D in Evidence Appendix)

Further, a representative of the Epilepsy Foundation of San Diego, James Saba, noted:

"Now with Kintera's innovative 'Friends Asking Friends' technology, not only can the Epilepsy Foundation better manage and deliver messages via the Internet to volunteers and donors, each of the Sharon's Ride/Walk participants can also make a difference with their own personalized web page and email as they solicit support." (See page 5 of 5 of Exhibit D in Evidence Appendix)

Again, positive comments by customers clearly demonstrate the success and acceptance of the "Friends Asking Friends" innovation and that its success is due to the technical advantages of the claimed invention.

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4. Commercial Success of "Friends Asking Friends"

Applicants submit herewith data from assignee Kintera indicating the commercial success of the claimed invention, as embodied in the "Friends Asking Friends" technology.

As indicated by Figure 1 below, the amount of donations raised online through the use of the "Friends Asking Friends" technology has grown exponentially during the first five years of its implementation. The donations raised online through "Friends Asking Friends" increased from approximately \$35 million in 2003 to \$70 million in 2004, an increase of 100 percent. The following year, the number increased again by 100 percent to approximately \$150 million in 2005.

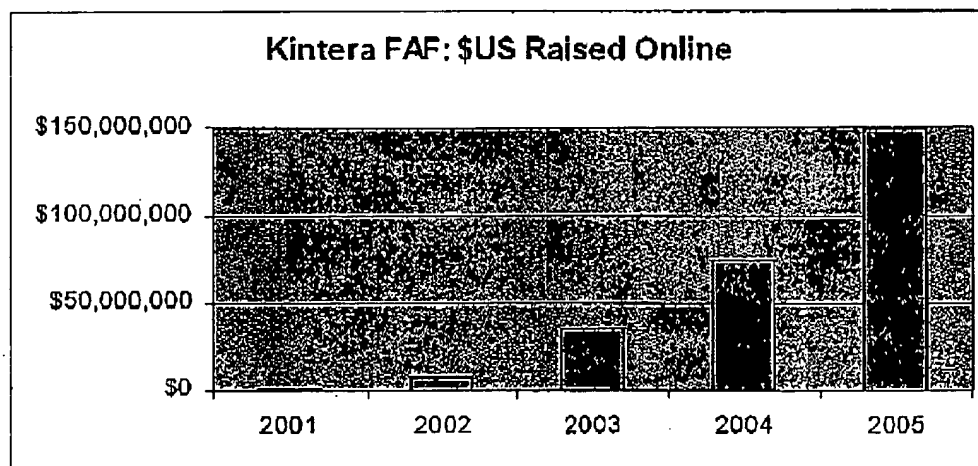


Figure 1

Additionally, Figure 2 below illustrates the rapid adoption of the "Friends Asking Friends" technology by assignee Kintera's clients, which are nonprofit organizations seeking to

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raise funds. The "Friends Asking Friends" technology is widely used by such nonprofit organizations to manage and raise funds through events such as "walk-a-thons." As with the amount of donations raised online, the use of the "Friends Asking Friends" technology by nonprofit organizations has also grown exponentially since its introduction. For example, the number of fundraising events using the "Friends Asking Friends" technology increased from approximately 2,100 in 2003 to over 4,500 in 2004, and again increased to over 7,000 in 2005.

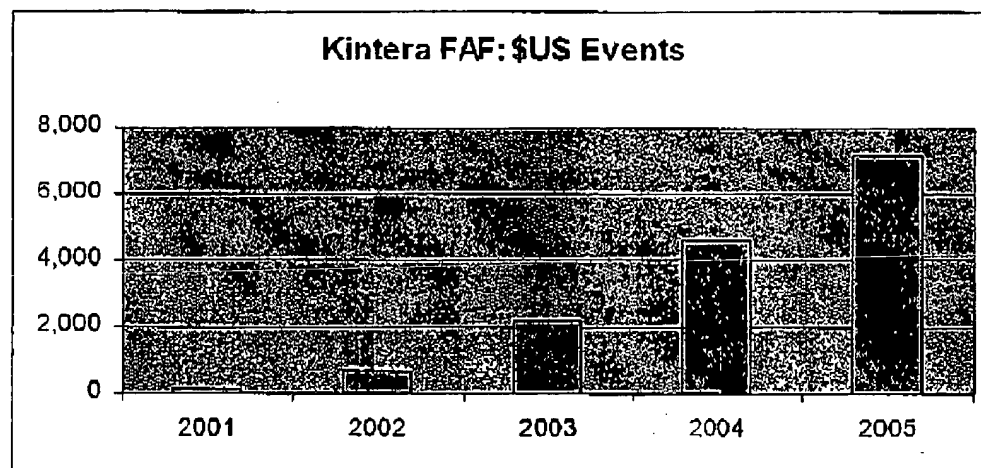


Figure 2

This incredible growth in adoption of the "Friends Asking Friends" innovation by the nonprofit industry directly and emphatically reflects the commercial success of one embodiment of the claimed invention.

Therefore, in light of the lack of a *prima facie* case of obviousness and the overwhelming amount of evidence of secondary considerations exhibiting nonobviousness, the

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Examiner's rejection of independent claims 58, 82 and 102 cannot stand. Claims 59-72, 75-81, 83-94, and 97-101 depend from these independent claims are patentable at least for their dependency from the allowable claims. For all of the above reasons, Appellant submits that the Examiner's rejection of claims 58-72, 75, 77-94 and 97-102 is wholly improper and must be reversed.

Additionally, claim 103, which has not been rejected twice and is not subject to an appeal, also recites the same feature. Accordingly, claim 103 is also patentable. Claims 104-107 depend from allowable claim 103 and are, therefore, patentable for at least that reason.

II. Support for "updating, according to instructions from the donor, one or more virtual plaques displayed on one or more web pages" is clearly found in the original specification

In the Office Action dated July 6, 2006, the Examiner has rejected claim 58 as allegedly introducing new matter by way of the amendment filed on December 16, 2005. However, clear support for the alleged new matter is found in the original specification, which expressly incorporates by reference U.S. Patent Application Serial No. 09/740,761, filed on December 12, 2000 (the "'761 Application"). See page 1, lines 18-21; and page 16, lines 16-18.

Support for "updating, according to instructions from the donor, one or more virtual plaques displayed on one or more web pages" may be found throughout the specification, as the skilled person would readily recognize. For example, the specification describes virtual plaques to recognize and honor individual donors and teams. The specification states: "When a team member receives donations, both the individual member and the team are credited with the amount raised." Page 16, lines 1-2. The specification further describes an embodiment: "The virtual plaques also display, in real time, team totals and individual member contributions,

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thereby fostering a competitive environment.” Page 16, lines 9-10. Thus, as an example, when a donor makes a donation, the virtual plaques may be updated in real time, reflecting the donor’s instructions. The specification also explains that the “virtual plaques can also be incorporated on a solicitor’s webpage or any other web page for increased publicity.” Page 16, lines 14-15. As a further example, the ’761 Application, which is incorporated by reference in its entirety, describes the updating of a virtual plaque and the ability of a donor to provide instructions regarding the update: “in one embodiment of the invention, a donor can edit the updated plaque and select particular words or language.” See ’761 Application, page 14, lines 5-8.

Thus, no new matter has been introduced.

III. The Provisional Double Patenting Rejection

In the Office Action dated July 6, 2006, Claims 58-107 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

A timely filed terminal disclaimer may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application is shown to commonly owned, 37 C.F.R. § 1.130(b).

Both the present application and the ’761 Application are assigned to Kintera, Inc. The assignment for the ’761 Application is recorded at Reel 011393, Frame 0120.

Applicant has agreed to file a terminal disclaimer upon allowance of any claims in the present application.

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CONCLUSION

The pending claims of the present application recite patentable subject matter and are in condition for allowance. The rejections made by the Examiner should be withdrawn.

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CLAIMS APPENDIX

1-57. (Cancelled)

58. (Previously Presented) A method for conducting a fundraising campaign by an organization over a wide-area network, comprising the steps of:

hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign;

providing a link to a personal donation page in one or more email messages to third parties, the personal donation page having the name and personal campaign goal of a solicitor registered on the website;

receiving a charitable contribution via the personal donation page from a donor;

updating, according to instructions from the donor, one or more virtual plaques displayed on one or more web pages to recognize new donors;

forming teams on the website, to participate in the fundraising campaign by soliciting donations by emails, wherein the teams compete with each other to raise money; and

displaying team ranks on the virtual plaques.

59. (Previously Presented) The method as recited in claim 58, further comprising the step of contacting third parties, via email messages, to provide information about one or more teams participating in a competition associated with the fundraising campaign.

60. (Previously Presented) The method as recited in claim 106, further comprising the step of providing information, in the reports, about the third parties that have been contacted via email messages.

61. (Previously Presented) The method as recited in claim 106, further comprising the step of providing, in the reports, a substantially real time status of the fundraising campaign, and

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wherein the real time status provides a convenient means for tracking the progress of the campaign.

62. (Previously Presented) The method as recited in claim 59, further comprising the step of joining a team, on the website, to participate in the fundraising campaign.

63. (Previously Presented) The method as recited in claim 59, further comprising the step of forming a new team, on the website, to participate in the fundraising campaign.

64. (Previously Presented) The method as recited in claim 59, further comprising the step of recruiting new team members by email messages.

65. (Previously Presented) The method as recited in claim 62, wherein the new team members can join existing teams.

66. (Previously Presented) The method as recited in claim 62, wherein the new team members can form new teams.

67. (Previously Presented) The method as recited in claim 62, wherein the new team members can recruit other donors by email messages.

68. (Previously Presented) The method as recited in claim 58, wherein the fundraising campaign includes an athletic event.

69. (Previously Presented) The method as recited in claim 58, wherein the fundraising campaign includes a gala event.

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70. (Previously Presented) The method as recited in claim 58, wherein the fundraising campaign includes a networking event.
71. (Previously Presented) The method as recited in claim 58, wherein the fundraising campaign includes a sell-a-thon where magazines or other items are sold for the benefit of the fundraising campaign.
72. (Previously Presented) The method as recited in claim 58, wherein the fundraising campaign includes a competition without another event.
73. (Canceled).
74. (Canceled).
75. (Previously Presented) The method as recited in claim 73, wherein the personalized donation page is incorporated into website of the organization or person conducting the fundraising campaign.
76. (Previously Presented) The method as recited in claim 106, wherein the report includes tax related information.
77. (Previously Presented) The method as recited in claim 58, wherein the wide-area network is the Internet.
78. (Previously Presented) The method as recited in claim 58, wherein the organization is a charitable organization.

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79. (Previously Presented) The method as recited in claim 58, wherein the organization is a political action committee.

80. (Previously Presented) The method as recited in claim 58, wherein the organization is a political organization.

81. (Previously Presented) The method as recited in claim 58, wherein a person conducts the fundraising campaign.

82. (Previously Presented) A system for conducting a fundraising campaign by an organization or person over a wide-area network, comprising:

a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign;

means for registering on the website;

means for contacting third parties via email messages soliciting charitable donations;

a link to a personal donation page in the email messages, the personal donation page having the name and personal campaign goal of a solicitor registered on the website;

means for receiving a charitable contribution via the personal donation page from a donor;

means for updating, pursuant to instructions from the donor, one or more virtual plaques displayed on one or more web pages to recognize new donors;

means for forming teams, on the website, to participate in the fundraising campaign by soliciting donations by emails, wherein the teams compete with each other to raise money; and displaying team ranks on the one or more virtual plaques.

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83. (Previously Presented) The system as recited in claim 82, wherein the email messages to the third parties include information about one or more teams participating in a competition associated with the fundraising campaign.

84. (Previously Presented) The system as recited in claim 107, wherein reports include information about the third parties that have been contacted via the email messages.

85. (Previously Presented) The system as recited in claim 107, wherein the reports include real time status of the fundraising campaign, and wherein the real time status provides a convenient means for tracking the progress of the campaign.

86. (Previously Presented) The system as recited in claim 83, further comprising means for joining a team, on the website, to participate in the fundraising campaign.

87. (Previously Presented) The system as recited in claim 83, further comprising means for forming a new team, on the website, to participate in the fundraising campaign.

88. (Previously Presented) The system as recited in claim 83, further comprising means for recruiting new team members by email messages.

89. (Previously Presented) The system as recited in claim 88, further comprising means, for the newly-recruited team members, to recruit others by email messages.

90. (Previously Presented) The system as recited in claim 82, wherein the fundraising campaign includes an athletic event.

91. (Previously Presented) The system as recited in claim 82, wherein the fundraising campaign includes a gala event.

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(formerly K01-001)

92. (Previously Presented) The system as recited in claim 82, wherein the fundraising campaign includes a networking event.
93. (Previously Presented) The system as recited in claim 82, wherein the fundraising campaign includes an event where magazines or other items are sold for the benefit of the fundraising campaign.
94. (Previously Presented) The system as recited in claim 82, wherein the fundraising campaign includes a competition without any other event.
95. (Canceled).
96. (Canceled).
97. (Previously Presented) The system as recited in claim 95, wherein the personalized donation page is incorporated into a web page of the organization or person conducting the fundraising campaign.
98. (Previously Presented) The system as recited in claim 82, wherein the report includes tax related information.
99. (Previously Presented) The system as recited in claim 82, wherein the organization is a charitable organization.
100. (Previously Presented) The system as recited in claim 82, wherein the organization is a political organization.

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101. (Previously Presented) The system as recited in claim 82, wherein the fundraising campaign is conducted by a person.

102. (Previously Presented) A computer-readable medium containing code for instructing a computer to carry out a method for conducting a fundraising campaign by an organization over a wide-area network, the method comprising the steps of:

- hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign;

- providing a link to a personal donation page in one or more email messages to third parties, the personal donation page having the name and personal campaign goal of a solicitor registered on the website;

- receiving a charitable contribution via the personal donation page from a donor;

- updating, pursuant to instructions from the donor, one or more virtual plaques displayed on one or more web pages to recognize new donors;

- forming teams, on the website, to participate in the fundraising campaign by soliciting donations via emails, wherein the teams compete with each other to raise money; and

- displaying team ranks on one or more virtual plaque.

103. (Previously Presented) A method for conducting a fundraising campaign by an organization over a wide-area network, comprising the steps of:

- hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign;

- providing a link to a personal donation page in one or more email messages to third parties from a solicitor registered on the website, the personal donation page having the name and personal campaign goal of the solicitor; and

- receiving a charitable contribution from a donor via the personal donation page.

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104. (Previously Presented) The method as recited in claim 103, further comprising:
updating, pursuant to instructions from the donor, one or more virtual plaques displayed
on one or more web pages.

105. (Previously Presented) The method as recited in claim 103, further comprising:
forming teams on the website, to participate in the fundraising campaign by soliciting
donations by emails, wherein the teams compete with each other to raise money; and
displaying team ranks on one or more virtual plaques.

106. (Previously Presented) The method as recited in claim 58, further comprising:
providing one or more reports, on the website, including information on the status of the
fundraising campaign.

107. (Previously Presented) The system as recited in claim 82, further comprising:
one or more reports on the website including information on the status of the fundraising
campaign.

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EVIDENCE APPENDIX

- Exhibit A. Interview Summary of Examiner Interview conducted on April 11, 2006.
- Exhibit B. Article from onphilanthropy.com as Evidence of Secondary Considerations
- Exhibit C. Article from the San Diego Metropolitan, dated May 8, 2002
- Exhibit D. Testimonials from customers of assignee Kintera

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Exhibit A

MAR 23 2007

Interview Summary	Application No.	Applicant(s)	
	09/784,767	SCHWARTZ ET AL.	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

All participants (applicant, applicant's representative, PTO personnel):

(1) Tan Dean D. Nguyen (3) _____

(2) Mr. Sanjeev Dhand (4) _____

Date of Interview: 11 April 2006.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: 58-107.

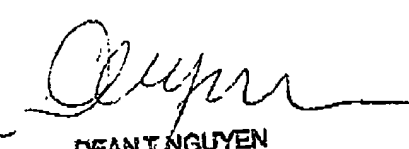
Identification of prior art discussed: Costin.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Costin et al does not appear to teach the step of making a donation from the donor using the personal web page but the donating step has to go through a link to the campaign web page. Applicant will amend independent claim 103 at the end to include "via the personal donation page".

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


DEAN T. NGUYEN
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

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Exhibit B


<http://onphilanthropy.com>

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The Zen of Fundraising: 89 Timeless Ideas to Strengthen and Develop Your Donor Relationships
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ARTICLES : BEST PRACTICES
FROM ONPHILANTHROPY

Jumping into the Deep End of the Internet Pool

By: Wes McKinney, 04/10/03

The Salvation Army is most widely known for summer camp, Christmas programs and social services. It is not an organization celebrated for its cutting edge development department. In fact, fundraising oftentimes takes a back seat to the Army's mission of meeting the spiritual and social service needs of the community.

Over the years, The Salvation Army's development departments have watched-not that quietly-as The Army ignored many innovative development opportunities. While the organization has demonstrated great powers of adaptation in social service programming, it has shown a reluctance to exercise the same flexibility in fundraising. The Army will tailor social service programs to fit a community's needs almost on a daily basis; yet, it has been hesitant to alter its fundraising methods. Many a fundraising idea has been dismissed with the oft-quoted phrase, "If it's not broke, don't fix it."

The problem with that outlook, of course, is that an organization must modernize its fundraising methods as the world changes. The Greek philosopher Heraclitus once stated, "A man cannot enter the same river twice." Any group that does not stay in touch with the transforming world will wake up someday without a database of supporters.

An institution must stay alert to the way its donors should be approached if they want to survive. Armed with this knowledge, the Army's chapters in Georgia, Texas and the National Capital Division of the Southern Territory piloted an Internet fundraising system over the Christmas holiday. In September of 2002, Kintera presented their online technology, including the "Friends Asking Friends" Innovation, to Salvation Army staff, who immediately recognized its potential.

The "Friends Asking Friends" concept of online grassroots marketing was perfect for The Army. Since 1891, The Salvation Army has asked service clubs, churches, businesses and individuals to ring bells at the red kettles which have now become synonymous with the Army itself. Kintera's technology extended this concept to the World Wide Web. The idea behind Ring2Help is that it allows a donor to become a "Virtual Bell Ringer." It is this person's task to ask his or her friends and family members for a donation, and then to invite them to join as a virtual bell ringer, too.

The initial Ring2Help campaign ran from November 2002 until January of 2003 and raised \$44,511.00. However, the real success of the program was uncovered after studying the numbers. Specifically, 69% of the individuals that contributed to the program were new donors to The Army. A quick look at these new donors shows that the program attracted an entirely new demographic to the organization. The average gift was over \$60. In addition, individuals already on the donor base that

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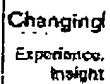
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participated in the virtual kettle campaign upgraded their gifts by 33% compared to the previous year.

With these successes, however, comes the inevitable recognition that there are some things that could have been handled differently. The following is a quick summary of what we did well, and what we can improve upon in the future.

What we did right

1. Chose an Internet partner (i.e. Kintera) that was willing to hold our hands through the entire process.
2. Distributed the information about Ring2Help to our top 2,000 donors.
3. Contacted the media and provided them with information about the program.
4. Physically distributed brochures about the program at our red kettle locations throughout the city.

What we will improve

1. We had only thirty days from the time the virtual campaign was envisioned until we had to launch it for the Christmas season. It takes more than one month to spread the word on such a monumental change in an organization's fundraising methods.
2. In the future, we plan to place information about Ring2Help in all direct marketing material starting 30-60 days before the program begins.
3. The healthy competition featured online between fundraisers will be highlighted and promoted. In many ways, the competition makes the event fun for the people involved and helps to generate more funds.
4. We hope that individuals will personalize their pages. With the easy-to-use Internet tools we provide our virtual bell ringers, they can post pictures, write stories and share their message about the reason they are helping The Salvation Army.
5. Finally, we will emphasize that the fundraisers who sent out multiple emails to their friends and family had the most success.

Every year thousands of children learn how to swim at various Salvation Army summer camps. Each child begins this process with fear and slowly moves from treading water to learning how to swim. The culmination of this process is when a new swimmer is able to jump into the deep end of the pool. Just like a young swimmer, the Ring2Help campaign in 2002 was a learning experience for The Salvation Army. Fortunately, because of the success of the initiative, in 2003 The Army plans to jump into the Internet pool and make this a national program.

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About The Author:

Wes McKinney has led fundraising programs within The Salvation Army and was selected in 2002 to serve on a committee to study and oversee direct mail for The Salvation Army's Southern Territory.

You may contact the author at: mckinney@uss.salvationarmy.org



Atty. Dkt. No. 048772-0401
(formerly K01-001)

Exhibit C

DLMR_291459.2

-34-

SAN DIEGO
Metropolitan
UPTOWN EXAMINER & DAILY BUSINESS REPORT

**Daily Business Report***May 8, 2002*

Minority-owned businesses in San Diego represent 23 percent of all locally based companies, reports the latest "Census of Minority Owned Businesses" by the U.S. Census Bureau.

In releasing the information, the San Diego Regional Chamber of Commerce notes that the presence of these businesses is much greater in San Diego than in the rest of the nation where 15 percent of businesses are reported to be minority-owned. On the other hand, the ratio is lower than for California with minority-owned companies accounting for 29 percent of all businesses.

The larger proportion of minority-owned businesses may be expected as San Diego is more ethnically populous and diverse than the United States, but not quite as diverse as the rest of California.

The census reveals substantial increases in minority-owned firms in San Diego. The number increased 45.8 percent since the previous census conducted five years earlier. The "universe" of all firms reported for San Diego shows only a 14.5 percent increase over the same time span.

An even more impressive increase is shown by a 169 percent increase in revenues for minority-owned businesses to \$8.4 billion. This represents only 6 percent of the total receipts reported for San Diego businesses at \$140 billion, an indication that minority-owned businesses tend to be much smaller operations. Part of the smallness may be due to many minority-owned businesses being relatively new operations. Only time will tell whether the continued maturation of the minority-owned businesses leads to increased receipts approaching overall business sales.

As may be expected of San Diego, Hispanic-owned businesses have by far the largest presence, representing more than one-half (57 percent) of all local minority-owned firms. Hispanic-owned businesses represent 13 percent of the total firms in San Diego. In comparison, throughout the nation Hispanic-owned firms represent nearly 6 percent of firms, while in California the percentage is the same as San Diego at 13 percent.

Annual sales by Hispanic-owned business totaled \$5.2 billion, nearly quadrupling since the previous census five years earlier, by far the fastest growing of any group of minority-owned businesses.

Other minority-owned businesses detailed are for Asian and Pacific Islanders (1,808 firms), Blacks (3,978), and American Indians (1,490).

Carlsbad-based ViaSat Inc. has delivered the initial set of Federal Aviation Administration fully flight-qualified airborne receive and transmit subsystems for Connexion by Boeing in Washington under the initial production order announced in October 2001.

"This is a significant milestone in providing fully qualified equipment for the Connexion by Boeing broadband communications service for commercial aircraft," says **Steve Cable, v.p., ViaSat Broadband Systems**. "Successfully passing the qualification testing reflects the quality and robustness of the ARTS product. This delivery is an important step toward enabling initial deployment of this breakthrough communication system."

For the past 14 months ViaSat has been developing airborne and ground receiver and transmitter subsystems under contract to Boeing.

The solid performance of the broadband modems on a rapidly moving platform is essential to creating a viable "Internet connection in the sky." The modem subsystems use a spread spectrum waveform capable of simultaneously carrying multiple IP video streams, a videoconference link, large file transfers and e-mail traffic.

Genoptix, Inc., a San Diego-based developer of high-speed optical technologies for cellular analysis, has received a \$99,000 Phase I research and development contract, with the potential of a future Phase II contract for an additional \$750,000, from the **U.S. Defense Advanced Research Projects Agency** to use its proprietary Optophoresis technology to sort and separate complex biological, cellular or environmental samples.

Optophoresis utilizes near infrared laser light to simultaneously analyze and isolate specific cells based on differences in their composition, size, shape, surface chemistry and environment.

"Using our technology, we are able to measure uniquely identifiable Optophoretic Signatures that enable us to detect and sort cells, bacteria, spores and possibly viruses," says **Dr. Thomas Chung**, chief scientific officer of Genoptix. "This technology thus provides higher resolution identification and more accurate separation of biological particles than current methods. In addition, its near-infrared laser is in a biologically compatible range leaving cells physiologically intact for further processing and research."

"Our goal for Phase I is to demonstrate the ability of our Optophoresis technology to provide rapid identification, separation and sorting of biological particles from blood or environmental samples in three dimensional devices," says **Tina Nova**, CEO of Genoptix. "We will then examine the ability of this technology to detect biological pathogens during the sorting process, eliminating the need for other detection assays."

Should the research advance into a Phase II contract, Genoptix will develop compact instruments based on the Phase I device that provides capability for biowarfare applications, environmental monitoring and diagnostic applications. SBIR Phase II awards can total up to \$750,000.

Aradient Corp., a San Diego-based provider of personalized, outsourced customer care and technical support, has been selected by San Diego's **Cloud 9 Shuttle** to operate its reservations center.

Aradant's advanced technology enables its customer care professionals, known as Information Guides (iGuides), to provide service in a more efficient and personalized manner. During each customer interaction iGuides will proactively identify opportunities to up-sell passengers from vehicles such as vans to a more personalized experience in luxury sedans or limousines.

Additionally, Cloud 9 and Aradant are in the process of developing a VIP program called the "Silver Lining Club" to reward and incentivize the company's loyal customers. The expected benefits from increased efficiency, a more personalized sales process, and better-targeted marketing will help Cloud 9 with customer loyalty, increased sales, and greater profitability.

"In our (Sept.) 11 recovery plan, the analysis of our new business model determined that Aradant would be more proficient in operating our call center because of their technology expertise, and their philosophy in how they provide good old fashioned 'customer service,'" says Mike Diehl, v.p. of Cloud 9 Shuttle. "In today's competitive world, state-of-the-art technology is a requirement; however, their biggest assets are their people, just like at Cloud 9. This partnership will be a direct link in helping us grow our business into the future."

Innovative and exemplary classrooms and programs from San Diego County K-8 schools will be on display at the third annual "Best Practices" Showcase to be held from 4 - 5:45 p.m. May 13 in the San Diego Natural History Museum's Grand Atrium and the Charmaine and Maurice Kaplan Theater.

The Business Roundtable for Education and the San Diego Regional Economic Development Corp. are co-chairs of the event, which is free and open to the public.

The "Best Practices" recognized at the Showcase represent the innovative, exemplary and replicable K-8 programs which were identified by multiple teams of business and community leaders who visited area schools in March and April. Over the past three years, more than 150 business leaders have volunteered their time as representatives of the BRE to meet with teachers and evaluate a variety of programs from which the final Best Practices programs are chosen each year.

The programs showcased at this year's program will highlight the diversity of educational programs available to our young people in San Diego. Showcase guests will have an opportunity to view a snapshot of 28 programs during the Gallery Walk such as a complete, student-run digital production and broadcasting studio from Carlsbad Unified's Valley Middle School followed by a close-up of three programs

from the eyes of students and teachers.

Lewis Middle School will share about the Robotics@Lewis program and their schoolwide efforts to incorporate technology into the curriculum. The Museum School will exhibit Balinese Gamelan (music) and dance and Sunnyside Elementary will share their Kids Giving to Kids program which builds leadership, math and organizational skills from a young age and incorporates a community service component into their K-6 schoolwide program.

"Our Best Practices program is an opportunity for local businesses to identify and honor K-8 programs that highlight critical thinking, personal growth, literacy, mathematics, science, and assessment/accountability tools," says Bobbi DePorter, chair of the Roundtable's Best Practices Committee. "This project functions as a catalyst for stimulating continuous improvement by developing and showcasing a body of outstanding teaching practices and programs that become available to all educators."

HouseRebate, a 2-year-old full service discount real estate company headquartered and founded in San Diego, has expanded nationally, relaunching its Web site at www.houserebate.com.

The company and its affiliates now offer discount real estate services throughout all 50 states, providing to homebuyers rebates up to 1 percent of the purchase price, and to home sellers, selling homes for as low as a 4.5 percent commission.

"What most consumers have been led to believe all these years," says Brian Yui, founder and chief executive officer of HouseRebate, "is that the prevailing 6 percent real estate commission - 7 percent in some areas of the country -- is dictated by law. In truth, it is simply custom. All commissions are negotiable."

SC Design Inc., a Downtown San Diego-based regional design firm has moved its corporate headquarters to 707 Broadway, in the Washington Mutual building, expanding into much needed office space.

SC Design is a full-service, licensed design center provider, offering comprehensive design support for new home developers, new homebuyers and current homeowners.

"Even though we are moving just down the street, this move is

significant because of the steady growth of our company," says Steve

Santa Cruz, president. "We are committed to being headquartered in San

Diego even though we have become one of the largest regional design

firms in the US. We have six divisions in three of the nation's top

homebuilding states and employ more than 150 staff members."

Just imagine you had the resources, the design team and the craftsmen to completely remodel the home of your dreams. Think big: moving walls, gutting interiors. Think small: finding craftsmen to duplicate 75-year-old ceramic tiles.

Whatever your imagination conjures up, it will pale by comparison to the sumptuously remodeled homes on view at the first-ever **ASID Remodel Tour** from 9 a.m. to 5 p.m. June 22.

The self-guided tour will feature five extensively renovated homes in Rancho Santa Fe, Del Mar, La Jolla and Mission Hills -- and the design teams that created the magic. All of the remodeling was completed within the past three years.

"These are like Showcase Houses that people actually live in," says Robert Wright, ASID, chair of the event, who was the interior designer on one of the projects. "ASID has never given the public the opportunity to visit such stupendous residences, which represent some of

the best and most extensive remodeling being done in Southern California today."

The ASID members whose work will be featured on the tour, in addition to Wright, include **Janine Thierry Brown**, ASID, **Susan Geier**, ASID, **Lynn Crosby Harland**, ASID, and **Carolyn La Pierre**, Allied Member ASID.

Several members of each design/construction team will be on hand during the tour to offer insight into the remodeling process.

Advance tickets by phone are available for \$20 until June 17 by calling the ASID office at (858) 274-3345. Day of event tickets are \$25 and available at selected tour sites. For general information and tour site addresses, call the ASID Information Line at (858) 646-9896.

Kintera Inc., the San Diego-based application service provider for nonprofits, has been selected by the **American Heart Association** to handle online fund-raising for more than 850 of its annual American Heart Walk and Train to End Stroke events held across the United States.

"We chose Kintera not only because they excel at bringing the fundraising aspect of these events online, but also because our organization can conduct event management via the web, such as registration and communication with participants as well as staff," says **Ginnie Wiley**, director of development operations at the American Heart Association's national headquarters in Dallas. "Kintera's 'Friends Asking Friends' technology allows participants to create personalized Web pages, which will enhance the experience of Web site users and make it easier for our participants to raise funds."

Worldwide Restaurant Concepts Inc. has opened its 15th **Pat & Oscar's** in Downtown San Diego at 501 First Ave.

This is the fourth **Pat & Oscar's** to open in the 2002 fiscal year and results in an almost 40 percent increase in restaurants for the year.

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Exhibit D

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Health and Hospitals

HERA Women's Cancer Foundation



To Whom It May Concern,

We were concerned when we first looked at Kintera whether or not we could justify the extra expense for the services over other software volunteer not for profit that funds ovarian cancer research and awareness, so making sure we spend our dollars wisely is paramount better suited to large organizations.

However, we decided to try Kintera and have been extremely pleased with our results. The first event we used the Thon for resulted raised last year and the reporting and email features have actually saved us so much time, which translates directly into dollars saved can benefit from using Kintera.

Sean Patrick, Founder
HERA Women's Cancer Foundation

Cancer Wellness Center



"Cancer Wellness Center purchased the Friends Asking Friends software for the purposes of structuring our first annual run/walk and results. The utility is very cost efficient and the return on our investment was incredible. The results of the event were over three times numbers of participants and in the amount of funds raised. We expected 300-400 participants and ended up with 1500. Our goal for ended up raising \$140,000. So needless to say, we can't wait to incorporate the utility into our future events."

"Regarding implementation, it is pretty self-explanatory and the Kintera manual is helpful for review and reference. We also found the project management staff readily available to answer our questions. Reports are very easy and quick to run and can be broken down combinations."

"Cancer Wellness Center is now planning its second annual Run/Walk and we are expecting to double our results. It should be even already have the information on last year's participants in our Kintera database. We also like the fact that we can continue to communicate way of keeping them interested and excited about joining us for next year's event."

Stephanie Smerling, Director of Development
Cancer Wellness Center
Northbrook, Illinois

Ovarian Cycle



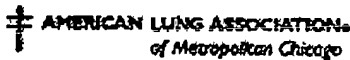
"As a relatively new nonprofit, Ovarian Cycle was determined to make itself a recognized presence in the fight against ovarian cancer. We used Kintera as a one-stop resource for our online fundraising needs, database of record, and to create an effective online presence. As an all volunteer organization, we began to tell you how much time has been saved by making the rather small investment in Kintera's software!"

"This year we increased our donations 57% compared to last year. In fact, we increased the number of online gifts of \$100 or more to 100. We maximize the system to it's fullest to grow even more this upcoming year."

"We would not be an organization if it weren't for Kintera."

Kelly Bean, IT and Marketing Chair
Ovarian Cycle

American Lung Association



"Through the use of Kintera's software, we are able to know instantly the total amount raised throughout the campaign. This has allowed us to track efforts quickly. It also inspires donors and volunteers to increase their efforts and raise even more money for our mission."

Gina Schwieger, Director of Special Events
American Lung Association of Metropolitan Chicago

Atlanta 2-Day Walk for Breast Cancer



"It has been a pleasure working with Kintera to launch our website. The staff is incredibly helpful, patient, and responsive. Now that we are live, my Project Manager checks in with us regularly and always answers our questions with concise directions, returns phone calls or e-mails so quickly. It is a pleasure! I am pleased with the partnership with our online partner and look forward to working with them as we move forward."

Randi Passoff, Executive Director
Atlanta 2-Day Walk for Breast Cancer

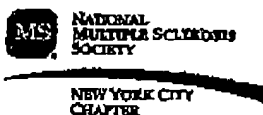
Life Rolls On Foundation



"Kintera's services have made it possible for even a very small nonprofit like ours to raise critical funding for research, and to spread the word to the nation's injured that life with spinal cord injuries does indeed have a future. Kintera's software is packed with really great features, and it's so easy to use there's no reason for any nonprofit to not use it for fundraising and outreach online."

Jesse Billauer, Surfer and Chairman of the Board of Directors
Life Rolls On Foundation

National Multiple Sclerosis Society



"Did I ever tell you guys that even at one in the morning after getting home from a fantastic Sheryl C. event to make changes to the website? My ears are still ringing, but the page was very easy to update. The ability to make changes on the fly is a huge benefit to Kintera's system. The fact that it can even support some simple text makes it even easier."

Mike Cordelli, IT Manager
National Multiple Sclerosis Society/New York City Chapter

"I would have likely just written a check for \$50 and not fund-raised at all. I find it uncomfortable asking people for money, but doing it through a professional-looking site behind it was great!"

Lori Bickers, Participant
MS Walk, New York City

AIDS WALK

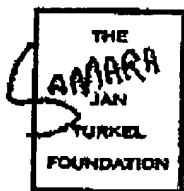


"MZA Events has used the Kintera service for several campaigns and has been very pleased with its functionality, user friendliness, and the support of Kintera representatives. We feel that our event participants have come to depend on Kintera to help them with their individual fundraising efforts. As we continue to grow we plan to continue to incorporate Kintera into our marketing strategy and fundraising efforts."

"The Kintera Sphere platform has helped us continue to make AIDS Walk New York the largest and most successful AIDS Walk in the world. It streamlines our fundraising capabilities and achieves consistent increases in online giving and average gift size. Kintera's user-friendly fundraisers harness the power of online fundraising through personal webpages and other services, enabling them to more effectively reach friends and families in the fight against HIV/AIDS."

Justin Leach, *Director Programs & Services*
MZA Events, Inc.

Samara Jan Turkel Foundation



"It's always difficult to ask people for money, especially this year. But when we asked friends via email, they came through for the foundation. We certainly relied on the Internet technology and expertise provided by Kintera in such a short timeframe. As evidenced by our success, Internet philanthropy is a very efficient, and effective way to generate dollars for a cause."

Sherry Turkel
Samara Jan Turkel Foundation

Epilepsy Foundation



"Our organization is committed to the prevention and control of this disorder, so education is essential to our efforts to generate continued support. Innovative 'Friends Asking Friends®' technology, not only can the Epilepsy Foundation better manage and deliver messages via the Internet, each of the Sharon's Ride/Walk participants can also make a difference with their own personalized web page and email as well."

James Saba, *Program Coordinator*
Epilepsy Foundation/San Diego

Gilda's Club

Health and Hospitals - Kintera Inc,

Page 5 of 5



"I really enjoyed using the site for the fundraiser; it made it really easy. Most of my friends are online, and most felt comfortable using less hassle for me, and worked more quickly than snail mail to get the money into Gilda's Club's hands. Thanks again."

Susan Allen, Participant
Gilda's Club Family Walk/Detroit

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RELATED PROCEEDINGS APPENDIX

None.

Respectfully submitted,

Date March 23, 2007

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